

(As of February 20, 2001)

Section 13-105. Records Open to the Public --

All books and records of the city shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts, but the records of the police department or of the prosecuting attorney shall not be subject to such inspection unless permission is given by the chief of police or the prosecuting attorney, except in the case of traffic accidents where such records, including all statements taken, shall be available for inspection by the parties directly concerned in such accident, or their duly licensed attorneys acting under written authority signed by either party.⁴⁰ Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned.

⁴⁰Public interest in preservation of confidentiality and secrecy may be sufficient reason for insulation of police or other governmental records from discovery in special, individual cases, but claims of privilege for such records on this basis require documentation and argument by the governmental agency asserting the privilege, and subsequent judicial evaluation of the claim of privilege. Tighe v. City and County of Honolulu, 55 Haw. 420, 520 P.2d 1345 (1974); see also Hawaii Revised Statutes Chapter 92F, Information Practices.